

REQUEST FOR RECONSIDERATION

Reconsideration of the present application is respectfully requested.

Claims 1 and 5 are pending in the application.

In the Office Action, the Examiner objected to the drawings. The Examiner rejected Claim 1 under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential steps, and also for indefiniteness. The Examiner rejected Claims 1 and 5 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0005382 to *Chen et al.* (hereinafter *Chen*) in view of U.S. Publication No. 2003/0023915 to *Choi*. The Examiner rejected Claim 5 under 35 U.S.C. §103(a) as being unpatentable over *Chen* in view of *Choi*, and further in view of U.S. Publication No. 2005/0039101 to *Torsner*.

Please amend Claim 1 as set forth herein. No new matter has been added.

Applicant gratefully acknowledges Examiner Lam's grant of a telephonic interview held on July 18, 2006 between the Examiner and Applicant's counsel, Ryan C. Carter, Esq., in which the final Office Action was discussed. Applicant has considered the material discussed in the interview in preparing the present Response.

Regarding the objection to the drawings, the Examiner alleged that the specification does not provide a description for the reference characters "BB" and "SS" in Figure 6. It is believed that the reference characters to which the Examiner is referring are actually "B" and "S". In response, Applicant sets forth that "S" shown in FIG. 6 indicates "Skip". For example, regarding FIG. 6 page 12, lines 16-20 of the specification states, "Namely, the MS determines whether to receive the retransmission data block according to the OLD_MMAP and receives the retransmission data block of the main data block #2 according to the DMAP. If it is not necessary to receive the retransmission data block, the MS skips a receiving operation for the retransmission data block." In addition, Applicant respectfully asserts that "B" indicates blank,

which simply means there is no data. Referring again to FIG. 6, lines 20-22 on page 11 of the specification states, "That is, if the DMAP indicates that there is no retransmission data block, the received main data block #1 has no retransmission data block." The "B" indicates the lack of data. Accordingly, it is respectfully submitted that the objection to the drawings should be withdrawn. Withdrawal of the same is respectfully requested.

Regarding the §112, second paragraph rejection of Claim 1 for omitting essential steps, the Examiner alleges that a gap exists between the "generating" step and the "wherein" clause in Claim 1, since the "wherein" clause recites "received data". The Examiner believes that the received data must be sent before it is received, and suggests a "sending data" step preceding the "wherein" clause. In response, and consistent with the Examiner's suggestion, Applicant has amended Claim 1 to include the "transmitting" step, as set forth herein. It is believed that this amendment cures the §112, second paragraph rejection of Claim 1 for omitting essential steps. Withdrawal of the same is respectfully requested.

Regarding the §112, second paragraph rejection of Claim 1 for indefiniteness, the Examiner alleges that the "and the transmission data is made..." portion of the "wherein" clause added in the previous amendment is unclear as to what is being claimed. In response, Applicant respectfully traverses. Specifically, lines 3-4 of page 8 in the specification recite, "The retransmission data block has retransmission information in response to a retransmission request by the MSs". It is respectfully asserted that such a retransmission block is included in a transmission data block, which supports the recitation at issue in Claim 1. Accordingly, it is respectfully submitted that the §112, second paragraph rejection of Claim 1 for indefiniteness is incorrect, and should be withdrawn. Withdrawal of the same is respectfully requested.

Regarding the §103(a) rejection of Claim 1, Applicant has amended Claim 1 as set forth herein to include not only the "transmitting data" recitation discussed above, but also a determination step involving a skip determiner. In the aforementioned conversation, the Examiner suggested amending Claim 1 by including some recitations from the method outlined in Figure 7, particularly those found in reference numeral 306. This amendment is consistent

with the Examiner's suggestion. Furthermore, it is respectfully submitted that *Chen* in view of *Choi* fails to teach or even fairly suggest Claim 1, as amended. Specifically, *Chen* in view of *Choi* at least does not disclose a skip determiner that determines whether a receiving operation for the retransmission data block is skipped, as set forth in Claim 1. Accordingly, withdrawal of the §103(a) rejection of Claim 1 is respectfully requested.

Regarding the §103(a) rejection of Claim 5, Applicant respectfully submits that this rejection should also be withdrawn in view of the foregoing regarding Claim 1, and further, since *Torsner* fails to cure the stated deficiencies in *Chen* in view of *Choi*. Accordingly, withdrawal of the §103(a) rejection of Claim 5 is respectfully requested.

Independent Claim 1 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claim 5, this claim is likewise believed to be allowable by virtue of its dependence on amended independent Claim 1. Accordingly, reconsideration and withdrawal of the rejection of dependent Claim 5 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1 and 5, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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